G R S IX 5]

*Previous references*
Rel 65-1085/12 B Aug 1910

**1916.**

(Municipal,

*Later references*

**File No** 40-15

**Serial Nos** 20, 21, 23 27 & 29

Preserve
B
28(3)32

# GENERAL AND REVENUE SECRETARIAT

*Serial Nos* 20, 21, 23, 27 & 29

**Part B for** September 1916

SUBJECT

Petition from Veerappa Son of Annegere Rudrappa, Davanagere, appealing against the order of the President of the Davanagere Municipal Council refusing to grant him license to erect buildings on certain lands unless he establishes his title thereto

To Veerappa of Davanagere
No 1955 dt. 18-9-16
Informs him that Govt cannot interfere in the matter

To The Deputy Commr Chitaldrug
No 1956 dt - 18-9-16
Forwards a copy of the above with certain observations.

W D 58—GPB—50,000—24 7 16

MKD arcn
31-10-16

G R S 11] 1915–16

GENERAL AND REVENUE SECRETARIAT

( Rel )

NOTES

File No 40/15

FILE HEADING

Petitions, Chittagong District

From

Veerappa Son of Ameegere Ruddrappa Davangere

No Rel Dated 18 5 16 Received 16.6.16

| Diary No 4384 | Enclos | Spare Copies | Serial No 20 |
|---|---|---|---|

BRIEF ABSTRACT OF LETTER

Appeals against the orders of the President of the Davangere municipal Council refusing to grant him license to erect buildings on certain lands unless he establishes his title thereto in a Competent Civil Court

NOTES AND ORDERS

L IV S 44

1) Draft postcard for orders - I) It seems to me that KP in Mr Ly's decision is correct [illegible] Please see query on the draft & explain - if necessary personally

5/6

8/6

11/6/16

NOTES—First Sheet

G R S 12]

General and Revenue Secretariat | Sel File No. 40 of 1915.

Serial No

3. Under Sec. 96 (1) a person is only required to give the Municipal Council a notice of his intention to build on a specified site and can proceed with the work in the absence of receipt of any order under its sub-section (4)(a). In this case, the order of prohibition does not seem to affect his right to proceed with the construction of his building without further let or hinderance.

4. The investigation of ownership of building sites or other properties does not appear to have been vested in a Municipal Council by any provision in the Regulation. That function seems one left for judicial courts to settle on application by contending parties.

13/6

5. I do not think to —

When two parties apply for a license over the same ground to whom should the license be granted? The only reason for the Municipality or both of the parties to the Establishment likes to the [illegible]

Words—Contn. sheet

GPB— 0 000—17 12-15

G R S 12]

General and Revenue Secretariat

MM File No. 40 of 1915.

| Serial No | |
|---|---|
| 6 | However - the petr has not produced a copy of the order appealed against - This may be called for - But if there is not a serious omission, a report may be called for from the D/C President<br>14/6-16 |
| 7 | Draft calling for a report as submd<br>8. 19/6-16<br>DI (64) 15/6/16 15/6-16 |
| 21 | The Deputy Commr Chitaldrug Dt No 9294 & 22 6 16<br>Calls for a report as to the authority under which the permission sought for has been refused |
| 23 | From Veerappa Son of Annappa Kudr Pl<br>Davangere Petn dy 19 6 16<br>Submits a reminder to his petn dated 18th May 1916<br>A report has been called for from the Dy Commr in regard to his former petn May the report be awaited<br>Jes 16/7-16<br>KP 12-7-16 |

S/ L W S 66

Note—Contn sheet

G. B. S. 12]

General and Revenue Secretariat | Mel File No 40 of 1915-16

637

Serial from

CN 98 Mel of 15 8 16 (16-17)

Reports the circumstances under which a license to erect a building on a site has been refused to Krappa of Davangere.

II. The orders of the President seem to be ultra vires Secs 92 et seq of the Municipal Regulation do not vest such power of prohibiting the construction of buildings unless the title to the site is proved, in the municipal Councils Under sec 96 in of the Mun. Regn a license is not necessary to raise a building Attention is once more invited to the notes in para 3 & 4 Supra.

Levin 20/8

12 Sales for orders

J Mes 3240 of 16 KP 14/8/16

21 8 16

For III pr opinion

KP 25/8-16

Subd with a copy of the Mysore Municipal Regn

19/16

The view noted in paras 3 & 4 above is correct The Municipality need not trouble themselves about the title to the site The license may be granted, and if any one's interests in the lands affected by the licensee's

NOTE—Contn. sheet

GPB—70 000— 17 12 15

Encl 3

G R S 12]

General and Revenue Secretariat | Jud File No. 40 of 191 5.

Serial No

construction, he could have his remedy in a civil court. By the grant of a license, the Municipality does not confer on the licensee title to the land. The license merely means that the building that is going to be built on the land should conform to the building regulations of the Municipality.

In this case, the petitioner had and has remedy. He could have commenced to build after the expiry of the time limit prescribed in S 96, and if the Municipality took any action for building without a license, he could have got its validity tested in a court of law (See in this connection Subramanya Iyer V Asavadam Pillai 9 Madras Law Journal Reports 287)

EB 6/9/16

When Collr. served on enquiry other petitioners, he may adopt them if not clear how Govt. could appreciate and remedy. Petitioners may be informed that he may take such action as he may be advised under laws

EB 6/9

Br IV)

Draft endorsement put up for approval or other orders

KP 6.9.16

Issue

11/9-16

29

To Veerappa of Davangere No 1955 &
Informs him that Govt can do nothing in the matter

To The Dy Comm. Chitaldrug No 1951.
Forwards a copy of the above.

NOTE—Contn. sheet

G1B—10 000—1 1 1

(6

20/6 mh

S 350 / 15

GOVT OF H H THE MAHARAJA
OF MYSORE

GEN & REV SECRETARIAT

OFFICIAL MEMORANDUM

No 9294/M.L.G.R.-15-21 BANGALORE,
22nd June 1916

Date obliging
Returned

The accompanying Petition Registered
No 4334 dated 4th 1915-16
received at the General and Revenue
Secretariat from Veerappa, son
of Annaligere Rudrappa
Davangere Town, Com-
plaining that the
Municipal Council have re-
fused to grant him licence
to erect buildings on certain
lands unless he executes
to His Highness Government in a
competent court of law
is forwarded together with its enclosures
to the Deputy Commr, Chitaldrug
for report within fifteen
days as to the statutory
under which the licence
sought for have been
refused

By Order

For Secretary to Government

Dy Rev Sec

W.D.1757-C.P.B.-4,000-9-2-16

15/6/16

11 6/16

D 4334

J 3239 (7

DEWAN'S OFFICE.
Date of Receipt 23/6/16
Petn Regr No 9182

ಶ್ರೀ

ಅಂಗಾಂಗೇರಿರುದ್ರಪ್ಪನ ಮಗವೀರಪ್ಪನರುಜು ಪು.

D 63

4015—27

9

Office of the Deputy Commissioner,
Chitaldrug District
Dated Chitaldrug, 15th August 1916

C. S. Balasundaram Iyer Esquire B.A
Deputy Commissioner,
C H I T A L D R U G.

L. Krishna Rao Esquire,
Offg Secretary to the Government of
His Highness the Maharaja of Mysore,
Revenue Department, Bangalore

With reference to your official memorandum No 9294/M1
-31 dated 22nd June 1916 calling for a report as to the
ity under which permission was refused to Annagere Virappa
Davangere town to erect buildings on certain lands, I have
r to state as follows -

One Bellary Basalingappa of Davangere applied on 22nd
ch 1915 for the renewal of a license granted to him on 21st
1914 to erect a building on a vacant building site by the side
the buildings of Messrs Binny and Co Davangere In accordance
the building bye-laws then in force the applicant was called
to submit plans and specifications for the proposed building
also to remove a portion of the foundation already laid on the
of the drain in Binny Company road Basalingappa presented
plans etc on 19th April 1915 but declined to comply with the
sitionregarding the keeping open of a strip of land on the
that the construction had been commenced before the byelaws
stion came into effect and as his application was only for
renewal of an old and time barred license He was thereupon
d on 8th June 1915 that nothing could be done till the order
ding the opening of the strip of land was obeyed

Two months afterwards, the present petitioner Virappa
for the grant of a license to erect a building on this

GPE—50,000—25-9-15 Kan 39c-

1916-17

18 AUG 1916

From The Deputy Commissioner
Chitaldrug District

To The Secretary to Government
Revenue Department
Bangalore

Dated

Despatched 16th. August 1916

Received

General No Dept C no 98 dtd
No 1916-1917

Enclosure No 1 Vannaravanappa

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Subject Submitting a report on the petition of Annigeri Veerabhadrappa of Davangere re the refusal to grant him permission to erect a building on the land in Davangere Annuity fort

very same site alleging that it belonged to him His application was refused by the Municipal President as there had been another application in the matter from Basalingappa referred to above and both the parties were informed that the license would be granted to him whose title to the site would be established in a competent Civil Court. This said Virappa presented an application in January last to this office praying for the reconsideration of the order of the President On perusal of records on the subject, I found that the matter had been disposed of by the President As in accordance with Flag O Government order No 1205-14 ~~[illegible]~~ dated 3/8/1910 ~~[illegible]~~ the Deputy Commissioner of a District cannot interfere with the orders of a Council or of its President, I issued an endorsement to the said Virappa accordingly and it is against this order that he has appealed to Government.

The Vernacular file on the subject is herewith sent for reference and return The petition of Virappa presented to Government is also herewith returned

I have the honor to be,

S I R,

Your most obedient servant

C Balasundaram

Deputy Commissioner,

Chitaldrug District

S.V.

By

COURT FEE

COURT FEE

EIGHT ANNAS

EIGHT ANNAS

Date of Receipt 20.5.

Petn. Re No 887

EIGHT AN

COURT FEE

12)

ಬೆಂಗಳೂರು

ನಂ 1955/ML40-15-29 ತಾರೀಖು 18-9-16.

ಅರ್ಜಿದಾರ ಹಾಜರಾಗಬೇಕಾದ ದಿನ ಹಾಜರಾಗಿದ್ದಾನೆ

ಇಂಡಾರ್ಸ್ ಹುಕುಂ

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ನಿಮ್ಮ ನೀವು ಗುರುತಾಯಿಸಿಕ್ಕೊಂಡ 18-9-1916

ಮರ್ಕು ವಿನ ಅರ್ಜಿಯನ್ನು ಬಗ್ಗೆ

ರವರ ಬಳಿಗೆ ಕಳುಹಿಸಿದೆ,

By Order,

Secretary

Enc to the Dc.
Cantom 30 10 16

Memo 1956/ML40-15-29
dt 18-9-16

Copy forwarded to the Dy Comm
dng Dt returning the records,
reference to the Correspondence
with his letter no. C 98 dt 15th August 1916
observation
issue
in case

GOVT OF H H THE MAHARAJA
OF MYSORE
GEN & REV SECRETARIAT

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OFFICIAL MEMORANDUM

No

BANGALORE, 19

The accompanying Petition Registered
No 4334 dated 18th May 1916
received at the General and Revenue
Secretariat from Amagan
Veerappa son of Ruvappa
praying that he may
be granted a license
for erecting a building
on the land belonging
to him which lies to
the west of the Bunny
Company's building at
Davangere

Sd. by Shri B Subbarao

is forwarded, together with its enclosures,
to the Deputy Commr, Chitaldrug
for disposal in accordance
with rules with the observation
that permission to erect
a building can not be refused
forwarded to the Municipal
under Sec 96 of the Municipal
Regn.

Where is the premises?
Grant pre-emption 96

By order

Secretary

P T O

W D 1956—GPS—4,000—9-2-16